

APPENDIX NO. 2

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AGREED ORDER¹

It appearing to the Court that the parties are in agreement, that paragraph 30 of the Agreed Order entered January 18, 1990, be revised pursuant to Rule 60, Federal Rules of Civil Procedure, to provide for the election of school board members for the City of Chattanooga as set forth in Resolution No. 18691, adopted by the City Counsel [Council] of the City of Chattanooga on June 19, 1990, and for other good cause shown, it is hereby

ORDERED, that paragraph 30 of the Judgment Order entered January 18, 1990 be amended to include a new paragraph 30 as set forth in Resolution No. 18691 of the Chattanooga City Council dated June 19, 1990, a certified copy of which is attached hereto and incorporated herein by reference.

ENTER this 9th day of August, 1990.

R. ALLAN EDGAR

SUBMITTED FOR APPROVAL:

RANDALL L. NELSON, CITY ATTORNEY

By: _____

Phillip A. Noblett
Michael A. McMahan
Special Counsel
400 Pioneer Bank Bldg.
Chattanooga, TN 37402

¹ Filed in Brown, et al. v. Board of Commissioners, et al. in the United States District Court for the Eastern District of Tennessee, Southern Division, on August 9, 1990.

This Order, in the opinion of the City Attorney, has now been superseded by Ord. No. 9713, § 1(1), 5-5-92, approved by the voters of the City on 8-6-92, and codified as Sec. 17.28 of this Charter.

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TAYLOR, SCOTT & McCLARY

By: _____
Myron B. McClary, Esquire
537 Market St., Suite 402
Chattanooga, TN 37402

Margaret Carey, Esquire
Center for Constitutional Rights
213 Main Street
P. O. Box 428
Greenville, MS 38701

Laughlin McDonald, Esquire
American Civil Liberties Union
44 Forsyth St., N.W., Suite 202
Atlanta, GA 30303

WILLIAM & DINKINS

By: _____
Richard Dinkins, Esquire
202 Second Avenue, North
Nashville, TN 37201

* * * * *

RESOLUTION NO. 18691

A RESOLUTION RATIFYING, CONFIRMING AND APPROVING A PROPOSED AMENDMENT TO PARAGRAPH 30 OF THE AMENDED PLAN TO REORGANIZE THE GOVERNING BODY OF THE CITY OF CHATTANOOGA AS ORDERED BY THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT, SOUTHERN DIVISION, IN THE CASE OF BROWN, ET AL. V. CITY OF CHATTANOOGA, ET AL., CIVIL ACTION NO. 1-87-388.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That a proposed amendment submitted to the Court by the City Attorney to Paragraph 30 of the amended plan to reorganize the governing body of the City of Chattanooga as referred to in the caption hereof be and is hereby ratified, confirmed and approved, which paragraph as amended would read as follows:

30. Current members of the Board of Education shall serve until their terms expire. Elections shall be held in the general election in November, 1990, for Districts 1, 4, 5, 7 and 8 as defined herein. The candidates receiving the most votes (plurality) in his or her district shall be elected. Those candidates shall take the oath of office and assume their respective duties February 1, 1991, for four (4) year terms. Thereafter, elections for Districts 1, 4, 5, 7 and 8 shall be held in the general election of November, 1994, and every four (4) years thereafter with terms of office to begin the following February 1. An election shall be held in the general election of November, 1992, for Districts 2, 3, 6 and 9 as defined herein. Those candidates receiving the most votes (plurality) in his or her district shall be elected. The candidates elected shall take the oath of office and shall assume their respective duties on February 1, 1993. Thereafter, elections for Districts 2, 3, 6 and 9 shall be held in the general election of November, 1996, and every four (4) years thereafter with terms of office to begin the following February 1. Members of the Board of Education shall be paid two and one-half percent (2.5%) of the Mayor's salary as adjusted from time to time. Qualifications for board membership shall be the same as those for members of the City Council. Any vacancy occurring on the Board of Education shall be filled by appointment of the Mayor with the approval of a majority of the Council. Any person chosen to fill such a vacancy shall possess the same qualifications as that of a board member elected by the people. Any person elected or appointed as a member of the Board of Education shall serve until his or her successor is elected and qualified; provided, however, that if any general statute requires an earlier election, then such general statute shall apply.

ADOPTED: 6/19/90

MAM:cjc